

Exhibit “A”

Policies and Procedures *for* Maintaining the Continuity of Shelby County Government *in* Event of a Disaster

Adopted by the Board of County Commissioners
Shelby County, Tennessee

By Ordinance No. ____ (Agenda Item #____)

This ____ day of _____, 2009

As required by Section 5.23 (F) of
The Charter of Shelby County

Policies and Procedures
for
Maintaining the Continuity of Shelby County Government
in
Event of a Disaster

Revised and Updated
_____, 20____

*Effective through _____, 20____
unless superseded or updated earlier*

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Statutory Emergency Authority of County

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Title 58. Military Affairs, Emergencies and Civil Defense

Chapter 8. Mutual Aid and Emergency and Disaster Assistance Agreements Act of 2004

Tenn. Code Ann. § 58-8-104. *Declaration of state of emergency*

(a) The mayor of a municipality or **the mayor or county executive of a county** or metropolitan government **may declare a local state of emergency affecting such official's jurisdiction by executive order** consistent with and governed by § 58-2-110(3)(A)(v).

(b) **The mayor or executive of any** municipality or **county, or such official's designee, may declare a state of emergency** for such official's municipality or county **regardless of whether the event in question affects only that jurisdiction or multiple jurisdictions.**

(c) The declaration of a state of emergency by a jurisdiction entitles the responding party or parties to cost reimbursement as provided in § 58-8- 111. The requesting party is required to make this reimbursement to the responding party or parties.

(d) The municipal mayor or **county mayor** or executive **may declare the state of emergency at any time during the imminent pendency or happening of the occurrence.**

2004 Pub.Acts, c. 743, § 1, eff. July 1, 2004. (Emphasis added.) Enacted as part of the “**Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004**”.

Tenn. Code Ann. § 58-2-110. (As amended, *eff.* April 30, 2009)

West's Tennessee Code Annotated

Title 58. Military Affairs, Emergencies and Civil Defense

Chapter 2. Disasters, Emergencies and Civil Defense

Tenn. Code Ann. § 58-2-110. Emergency management powers of political subdivisions

Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.

(A) *In order to provide effective and orderly governmental control and coordination of emergency operations* in emergencies within the scope of this chapter, each county within this state shall be within the jurisdiction of and served by TEMA. Except as otherwise provided in this chapter, **each local emergency management agency shall have jurisdiction over and serve an entire county.** Unless part of an interjurisdictional emergency management agreement entered into pursuant to subdivision (3)(b) which is recognized by the governor by executive order or rule, **each county must establish and maintain such an emergency management agency and shall develop a county emergency management plan** and program that is coordinated and consistent with the TEMP and program.

~~(B) Each county emergency management agency created and established pursuant to this chapter shall have a director~~ who shall be appointed and have the director's annual salary fixed by the local governing body. The director must meet the minimum training and education qualifications established in a job description approved by the county. ~~The director shall be appointed by the CLEO and, if required, approved by the governing body of the county.~~ Each CLEO shall promptly inform TEMA of the appointment of the director and other personnel. ~~Each director has direct responsibility for the organization, administration, and operation of the county emergency management agency, subject only to the direction and control of the governing body of the county and shall serve as liaison to TEMA and other local emergency management agencies and organizations.~~

(B) Each county emergency management agency created and established pursuant to this chapter shall have a director who shall be appointed by the CLEO and, if required, approved by the governing body of the county. The director must meet the minimum training and education qualifications established in a job description developed by the CLEO and approved by the governing body of the county. The director's annual salary shall be fixed by the governing body of the county. Each CLEO shall promptly inform TEMA of the appointment of the director and other personnel. **Each director has direct responsibility for the organization, administration, and operation of the county emergency management agency, subject only to the direction and control of the CLEO and shall serve as liaison to TEMA and other local emergency management agencies and organizations.** [Public Chapter 110, *Eff.* April 30, 2009]

(C) Each county emergency management agency shall perform emergency management functions within the territorial limits of the county within which it is organized and, in addition, shall conduct such activities outside its territorial limits of the county within which it is organized as are required pursuant to this chapter and in accordance with state and county emergency management plans and mutual aid agreements. **A county shall serve as liaison for and coordinate the requests of municipalities located within such county for state and federal assistance during postdisaster emergency operations.**

(2) **MUNICIPALITIES.** Legally constituted **municipalities** are authorized and encouraged to create municipal emergency management *programs*. **Municipal emergency management programs shall coordinate their activities with those of the county emergency management agency.** Municipalities without emergency management programs shall be served by their respective county agencies. **If a municipality elects to establish an emergency management program, it must comply with all laws, rules, and regulations applicable to county emergency management agencies.** Each municipal emergency management plan must be consistent with and subject to the applicable county emergency management plan. In addition, **each municipality must coordinate requests for state or federal emergency response assistance with its county.** This requirement does not apply to requests for reimbursement under federal public disaster assistance programs.

(3) **EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.**

(A) In carrying out the provisions of this chapter, **each political subdivision has the power and authority to:**

(i) Appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;

(ii) Appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;

(iii) Establish, as necessary, a primary and one (1) or more secondary emergency operating centers to **provide continuity of government** and direction and control of emergency operations;

(iv) Assign and make available for duty the offices and agencies of the political subdivision, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the political subdivision for employment **within or outside the political limits of the subdivision;**

(v) Request state assistance or invoke emergency-related mutual-aid assistance *by declaring a state of local emergency in the event of an emergency affecting only one (1) political subdivision.* The duration of each state of emergency declared locally is limited to seven (7) days; it may be extended, as necessary, in seven-day increments. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

(a) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

(b) Entering into contracts;

(c) Incurring obligations;

(d) Employment of permanent and temporary workers;

(e) Utilization of volunteer workers;

(f) Rental of equipment;

(g) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and

(h) Appropriation and expenditure of public funds; and

(vi) **Declare a local state of emergency** in order that certain commercial vehicles engaged in the distribution of electric power, the supply of fuel, or telecommunications services to residences and businesses may be considered to be participating in an emergency relief effort for the purpose of the federal hours-of-service regulations promulgated by the federal motor carrier safety administration. **The CLEO may declare a local state of emergency prospectively in anticipation of an emergency.**

(B) Upon the request of two (2) or more adjoining counties, or if the governor finds that two (2) or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate emergency management agencies and service, the governor may delineate by executive order or rule an interjurisdictional area adequate to plan for, prevent, mitigate, or respond to emergencies in such area and may direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint emergency plan, a provision for mutual aid, or an area organization for emergency planning and services. A finding of the governor pursuant to this subdivision (3)(B) shall be based on one (1) or more factors related to the difficulty of maintaining an efficient and effective emergency prevention, mitigation, preparedness, response, and recovery system on a nonjurisdictional basis, such as:

(i) Small or sparse population;

(ii) Limitations on public financial resources severe enough to make maintenance of a separate emergency management agency and services unreasonably burdensome;

(iii) Unusual vulnerability to emergencies as evidenced by a past history of emergencies, topographical features, drainage characteristics, emergency potential, and presence of emergency-prone facilities or operations;

(iv) The interrelated character of the counties in a multicounty area; and

(v) Other relevant conditions or circumstances.

. . .

2000 Pub.Acts, c. 946, § 1, eff. July 1, 2000; 2003 Pub.Acts, c. 185, § 1, eff. May 27, 2003; 2004 Pub.Acts, c. 487, § 2, eff. April 8, 2004. (Emphasis added.)

Part (b)
Charter Emergency Authority of County

Shelby County Charter

Source: <http://www.municode.com/resources/gateway.asp?pid=12392&sid=42> (www.findlaw.com)

Section 2.06. Ordinances (Emergency Ordinances) and resolutions

A. Generally.

- (1) The legislative branch shall exercise its legislative authority by resolution, ordinance, or emergency ordinance as hereinafter set forth.
- (2) No such ordinance, resolution or emergency ordinance shall be opposed to the general laws of this state and no such resolution, ordinance or emergency ordinance shall interfere with the local affairs of any municipality within the boundary of Shelby County.
- (3) Resolutions, ordinances and emergency ordinances shall be adopted according to the forms and formalities set forth below.
- (4) An ordinance may provide suitable penalties or fines or both for the violation thereof as provided by law.

B. Resolutions.

All resolutions shall be adopted upon receiving a majority vote of the membership of the county board of commissioners, except as otherwise required by general law for the issuance of bonds, notes and other evidences of indebtedness of the county, and shall become effective in accordance with section 2.07 of this charter.

C. Ordinances.

- (1) Every ordinance shall be read on three different days in open session of the legislative body before its adoption, and not less than one week shall elapse between first and third readings. Any ordinance not so read shall be null and void. The Shelby County commission has established a procedure to read the caption of an ordinance on the first and second readings and an ordinance in its entirety on the third reading, provided however, for any ordinance that is longer than two typewritten pages, the county commission may adopt a procedure to read a summary of said ordinance in lieu of reading the entire ordinance. Copies of such ordinances shall be available during regular business hours at the office of the county clerk or such other officer as may be designated by law and during sessions in which the ordinance has its second and third readings.
- (2) In all ordinances adopted on third reading under this section, the vote shall be determined by yeas and nays and the names of the members voting for or against an ordinance shall be entered upon the journal.
- (3) All ordinances shall be adopted upon receiving a majority vote of the membership of the County Board of Commissioners, except for ordinances dealing with the following subjects, which shall be adopted on receiving a two-thirds vote of the membership of the board of county commissioners:
 - (a) Any proposal which amends this charter.
 - (b) Any proposal which changes the purchasing procedures of Shelby County government or any agency or authority subject to the county purchasing ordinances.

- (c) Any proposal setting the county property tax rate at a rate ten percent or more above the previous year's tax rate.
 - (d) Any proposal which imposes a fine or imprisonment as punishment for a violation thereof.
 - (e) Any proposal which increases the salary and/or expenses of the county mayor, board of county commissioners, the school superintendent, county school board members or any other elected officials.
 - (f) Any proposal which changes the number of county commissioners or their district lines.
 - (g) Any proposal which grants a franchise as set forth in section 2.02(D).
 - (h) Any proposal ratifying the contracting of services between the county with various municipalities and agencies pursuant to section 3.03(E).
- (4) An ordinance shall not take effect until 15 days after its passage, except in case of an **emergency ordinance**.
- (5) No ordinance making a grant, removal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance.
- (6) The county clerk or such other officer as may be designated by law shall number and compile in an ordinance book all ordinances and shall preserve such book in that office.
- (7) Ordinances shall be enforced by the chief law enforcement officer of the county unless an ordinance otherwise provides. Persons charged with violation of an ordinance, in whole or in part, shall be tried in the court of general sessions. Any fines or penalties or both, and court costs collected for such violation, shall be paid into the county general fund unless the ordinance or state law otherwise provides.

D. Emergency ordinances.

- (1) An **emergency ordinance** may become effective upon the date of its final passage, provided it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.
- (2) The unanimous vote of all members of the legislative body present shall be required to pass an **emergency ordinance**. However, at least two-thirds of the legally constituted body must be present and voting.
- (3) An **emergency ordinance** shall be so designated in its caption and shall be published in a newspaper of general circulation prior to its second reading.

E. Caption, subjects.

No ordinance or resolution shall become effective which embraces more than one subject, the subject to be expressed in the title. All ordinances and resolutions which repeal, revise or amend former ordinances or resolutions or acts of the county shall recite in their caption the title or substance of the ordinance or resolution or act repealed, revised or amended.

F. Delivery of copies.

- (1) It shall be the duty of the county clerk or such other officer as may be designated by law to deliver to the county mayor a true and attested copy of all ordinances or resolutions within four days of the final passage.

(2) Within 30 days of final passage, the county clerk or such other officer as may be designated by law shall cause to be delivered to the county attorney a certified copy of every ordinance or resolution.

(3) The county clerk or such other officer as may be designated by law shall maintain an up-to-date record of all ordinances and resolutions and furnish a true copy to interested persons for a reasonable fee.

(Ord. No. 29, § 1, 7-11-88) (Emphasis added.)

ARTICLE V. GENERAL PROVISIONS

Sec. 5.23 Succession of authority and continuity of government in a disaster.

A. As used in this section, except as otherwise specifically indicated, “disaster” shall be defined by the meaning of “disaster” and “emergency” as set forth in Tennessee Code Annotated § 58-2-101, which shall include, but not be limited to, enemy attack, sabotage, hazardous material incident, extraordinary fire, flood, storm, pandemic, epidemic or earthquake.

B. In the event of a disaster, notwithstanding Article III, Section 3.05 to the contrary, if the county mayor is temporarily unavailable or unable to perform the duties of office for any reason, the powers and duties of the office of county mayor shall be temporarily exercised and discharged in the following order based on the availability of the county official to serve as acting county mayor until the county mayor becomes available or a vacancy is declared and filled pursuant to Article III, Section 3.05 herein:

- (1) Chairman of the board of county commissioners.
- (2) Chairman *pro tempore* of the board of county commissioners.
- (3) Member of the board of county commissioners with the most consecutive years of service on the county commission. In the event more than one county commissioner has the same number of years of consecutive service, then:
 - (a) If a majority of the membership of the board of county commissioners is available, the county commissioners shall elect, by a majority vote, a chairman for the board of county commissioners to serve as acting county mayor; or
 - (b) If a majority of the membership of the board of county commissioners is unavailable, the county commissioner elected to the lowest district number, then lowest position number shall serve as acting county mayor.
- (4) Chief administrative officer of the county mayor’s administration.

C. In the event of a disaster, if the chairman and/or chairman *pro tempore* of the board of county commissioners is temporarily unavailable or unable to perform the duties of the office for any reason, the remaining county commissioners shall elect by a majority vote an interim chairman and/or chairman *pro tempore* to serve the remainder of the annual term for such officer or until the chairman and/or chairman *pro tempore* becomes available for duty.

D. In the event of a disaster, notwithstanding Article II, Section 2.05 herein, if a majority of the membership of the board of county commissioners is temporarily unavailable or

unable to perform the duties of office for any reason, the powers and duties of the board of county commissioners shall be temporarily exercised and discharged in the following order for a period of twenty-one (21) days, unless a majority of the county commissioners becomes available for duty:

(1) If less than a majority of county commissioners are available for duty, they shall have full authority to act in all legislative matters. Prior to the end of the twenty-one (21) calendar day period, the county commissioners shall by majority vote appoint interim county commissioners to serve until the county commissioners become available for duty or vacancies are declared and filled pursuant to Article II, Section 2.11 herein.

(2) If no county commissioners are available for duty, the county mayor or acting county mayor shall appoint one interim county commissioner from each county commission district to serve until the county commissioners become available for duty or vacancies are declared and filled pursuant to Article II, Section 2.11 herein.

E. All meetings of the board of county commissioners during a disaster shall be public and minutes of said meetings shall be taken and transcribed as the official records of the board of county commissioners.

F. Within one year from the date this section become effective, the board of county commissioners shall adopt an ordinance establishing policies and procedures for maintaining the continuity of government in the event of a disaster which shall include, but not be limited to, emergency powers; emergency procurement; records preservation; temporary relocation of the seat of county government; relocation of, and delivery of services to, citizens of Shelby County directly impacted by the disaster; and any other provisions necessary to ensure continuity of government and delivery of essential services to the citizens of Shelby County.

(Ord. 361, ratified by voters August 7, 2008, effective September 1, 2008)

Source: <http://www.municode.com/resources/gateway.asp?pid=12392&sid=42> (www.findlaw.com)

Insert Draft Charts re: Section 5.23 and Sections 5.23 (C) and (D) here.
(Attached PDF Docs. 6.16.2009)

Section 17 (Charter Exhibit “A”) Civil Service Merit Act

Section 17. Extraordinary and emergency appointments.

Notwithstanding the provisions of this Act, in order to prevent the stoppage of business or to meet **extraordinary conditions or emergencies**, an appointing authority may appoint any individual to a classified position for a period not to exceed 90 days and only until regular appointment can be made under the provisions of this Act.

Part (c)
Emergency Procurement of County

Shelby County Charter

ARTICLE II. DIVISION OF ADMINISTRATION AND FINANCE

DIVISION 2. DEPARTMENT OF PURCHASING; SALES; CONTRACTS

Sec. 2-57. Department generally; general duties of administrator. [*Emergency purchases.*]

* * *

(b) The county purchasing agent, together with the director of the division of administration and finance and with the approval of the county mayor, shall adopt and promulgate, and may from time to time amend, rules and regulations not inconsistent with the provisions of this chapter, governing the purchase or rental of supplies, materials, equipment, buildings, and contractual services as follows:

(1) Authorizing in writing any county official or office to make purchases in the open market for immediate delivery in **emergencies**, defining emergencies, and describing the manner in which **emergency purchases** shall be made and promptly reported to the county purchasing agent.

* * *

(d) All purchases or sales of less than \$25,000.00 [**\$100,000** by Ord. (Agenda Item No. ___ passed ____, *eff.* ____) in amount may be made in the open market without newspaper notice, but shall, **when practicable in the judgment of the county purchasing agent**, be based upon at least three competitive bids. Requisitions for items estimated to cost more than \$5,000.00 shall not be subdivided in order to circumvent the requirement for public newspaper notice herein provided for. All sales shall be made for cash to the highest bidder.

* * *

(Priv. Acts 1974, Ch. 260, § 4.03(9); Ord. No. 198, 3-23-98; Ord. No. 320, 2-5-07; Ord. No. 325, 4-9-07) (Emphasis added.)

Sec. 2-60. Emergency purchases.

The county purchasing agent, with the approval of the county mayor, may authorize any county official or office to purchase in the open market, without filing requisition or estimate, any supplies, materials, or equipment for immediate delivery in **actual emergencies arising from unforeseen causes**, including, but not limited to, delays by contractors, delays in transportation and unanticipated volume of work; but “**emergency**,” as used in this section, does not include conditions arising from neglect or indifference in anticipating normal needs. **Emergency purchases** may be made by other county officials or offices only **when the office of the county purchasing agent is closed**. At all other times, only the county purchasing agent, with the approval of the county mayor, may make **emergency purchases**. A report of all **emergency purchases, together with a full and complete account of the circumstances of the emergency**, made by other county officials or offices, shall be made in writing by the official or offices that make the purchase to the county purchasing agent **before the close of the next working day following the date of the purchases**. This report shall be kept on file in the office of the county purchasing agent and shall be open to public inspection.

(Priv. Acts 1974, Ch. 260, § 4.03(12)) (Emphasis added.)

ARTICLE V. LIVING WAGE (Ord. No. 328)

Sec. 12-122. *Exemptions.*

The following are not covered employees for purposes of this article:

- (1) A person who provides solely volunteer services that are uncompensated, or otherwise compensated by a nominal fee, except for reimbursement of expenses such as meals, parking, or transportation, and election day officers assigned to precincts on election day which include officers of election, judges, inspectors, precinct registrars, assistant precinct registrars and machine operations.
- (2) A person employed in construction work that is subject to the provisions pursuant to any legally recognized prevailing wage standard.
- (3) Any and all employees in the hospitality industry, including but not limited to, any and all employees working for restaurants and limited and full-service hotels and lodging establishments within the city limits of Memphis and Shelby County.
- (4) Any person employed pursuant to an **emergency contract**. For purposes of this article, the term “**emergency contract**” will be defined in the same manner in which it is defined by the provisions outlined in the Shelby County Government Purchasing Policy, as it may be amended from time to time.
- (5) Any and all employees who hold a professional license issued by the State of Tennessee, in medicine, law, engineering, architecture, landscape architecture, and accounting.
- (6) A person employed by or as a financial or swap advisor, underwriter, counsel, securities broker or dealer, transfer agent, trustee, paying agent, rating agency, bond insurance company, dealer, escrow agent, liquidity facility provider, information or securities repository, remarketing agent, swap counterparty or tender agent in connection with the issuance of debt by the county, including bonds, commercial paper, swaps and notes.
- (7) Any person under the age of 18.
- (8) Any person participating in any student internship.
- (9) Any locally owned small business (LOSB) as defined by the LOSB Ordinance of Shelby County, Tennessee, with ten employees or less.

(Ord. No. 328, § 1, 5-21-07) (Emphasis added.)

Part (d)
Miscellaneous *Ordinance* Emergency Authority of County

ARTICLE III. WATER QUALITY CONTROL

Sec. 29-54. Permit for water supply; fee.

(a) No person shall operate or maintain a quasipublic or a private water supply until a permit therefor has been issued by the health department which permit shall not be valid for longer than one year and may be renewed at the expiration thereof upon payment of the fees set out in this article. All permits shall be in writing. Such permit may be revoked by the health department upon the violation by the holder of any of the terms of this article, or in any **emergency** when, in the judgment of the health department, the continued operation of the quasipublic or private water supply will be a public health menace. The holder of such permit, after such revocation, shall have the right of appeal.

(b) The yearly permit to operate or maintain a quasipublic water supply shall not be issued until an inspection fee is paid each year to the health department. A fee of \$20.00 for a quasipublic water well in the shallow water bearing formation shall be paid by the owner, and a fee of \$10.00 shall be paid for each additional quasipublic water well. A fee of \$100.00 for a quasipublic water well in the deep water bearing formation shall be paid by the owner, and a fee of \$25.00 shall be paid for each additional quasipublic water well. The owner shall be liable for the fee whether the water well is shallow or deep. The fee shall be due on January 1, of each calendar year and shall be paid by January 31 of each calendar year. Private well owners will be held liable for a fee only if public water is available. Private well owners shall not be liable for this fee for any wells used for irrigation and/or livestock and not for human consumption, even though public water is available.

(Priv. Acts 1971, Ch. 167, § 4) (Emphasis added.)

ARTICLE IV. STORMWATER MANAGEMENT INFRASTRUCTURE

Sec. 30-48. Maintenance responsibility; privately owned infrastructure.

- (1) Any stormwater management facility, including buffers, that is privately owned shall receive general routine maintenance (i.e. controlling vegetative growth, removing sediment and debris) provided for by the owner(s).
- (2) The owner(s) shall maintain a perpetual right of access for inspection and **emergency access by the county. The county has the right, but not the duty to enter premises for inspection and emergency repairs.**
- (3) Any stormwater management facility that services commercial and industrial development shall be maintained.
- (4) Maintenance requirements may also be prescribed by a site-specific agreement between the owner or operator and Shelby County. These agreements shall be based on an approved site design, a stormwater pollution prevention plan, an inspection program, a long-term maintenance plan, an emergency repair plan, easements, and proof or surety of financial responsibility. A sample agreement form is shown in section 30-75, facilities maintenance agreement. This form is illustrative and not strictly prescriptive. The county may amend its specific provisions as may be appropriate.
- (5) If privately owned infrastructure is not maintained, the manager may assess a fine on the private owner(s) as detailed in article VI of this chapter. Such a fine will be used for cost recovery, to abate damages, and to restore impacted areas.

(Ord. No. 292, § 30-128, 12-6-04) (Emphasis added.)

Division B.
City of Memphis/Municipal Government Emergency Powers.

Part (a)

Municipal Statutory Authority

Tenn. Code Ann. § 38-9-102

Title 38, Chapter 9. *Civil Emergencies*

Tenn. Code Ann. § 38-9-102. *Proclamation*

When, in the judgment of the chief administrative officer of a **municipality**, a civil emergency as defined in this chapter is determined to exist, the officer shall immediately proclaim in writing the existence of the civil emergency, a copy of which proclamation will be filed with the clerk of the municipality, or if there is none, with the recorder.

1968 Pub.Acts, c. 485, § 2. *Formerly* § 38-902. (Emphasis added.)

See, also: **Tenn. Code Ann. § 58-8-104; Tenn. Code Ann. § 58-2-110**

Part (b)

Municipal Charter/Ordinances

City of Memphis Code of Ordinances

Source: <http://municipalcodes.lexisnexis.com/codes/memphis/>

Sec. 2-58-3 General powers and duties of director.

- A. The director of emergency management shall be charged with the preparation of the emergency management plan for the city together with other duties listed hereafter.
- B. The duties and responsibilities of the director of emergency management shall include the following:
 - 1. The control and direction of the actual or training efforts of the emergency management organization of the city;
 - 2. The determination of all questions of authority and responsibility that may arise within the emergency management organization;
 - 3. The maintenance of necessary liaison with other municipal, area, state, regional, federal, or other civil defense organizations;
 - 4. The marshalling, after the **declaration of an emergency as provided for in Section 2-58-6**, of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the emergency management plans;
 - 5. **The issuance of all necessary proclamations as to the existence of an emergency** and the immediate operational effectiveness of the emergency management plan;
 - 6. The issuance of plans which are necessary for the protection of life and property in the city during large scale emergencies;
 - 7. The supervision of the drafting and execution of mutual aid agreements entered into by the city;
 - 8. The supervision of and **final authorization for the procurements** of all necessary supplies and equipment including acceptance of private contributions;
 - 9. The authorizing of agreements, after approval of the city attorney, for the use of private property for fallout shelters and other purposes. (Ord. 3512 § 1(4), (5), 12-31-85; Code 1985 § 8-3; Code 1967 § 11-8)

Memphis Code of Ordinances (Cont.)

Sec. 2-58-6 Declaration of existence of emergency.

The director of emergency management shall have the authority to request the declaration of the existence of an emergency by *the mayor* or by higher authority. In the event that it is deemed necessary to declare the existence of an emergency without delay, **the director may, if the mayor is not available, do so.** Such action shall be subject to the confirmation by the mayor upon his or her return. (Ord. 3512 § 1(4), 12-31-85; Code 1985 § 8-6; Code 1967 § 11-11)

Sec. 2-58-8 Interfering with enforcement of or violating emergency rules and regulations.

It is unlawful for any person wilfully to obstruct, hinder or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant this chapter or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. (Ord. 3512 § 1(4), 12-31-85; Code 1985 § 8-8; Code 1967 § 11-14)

Sec. 2-58-9 Impersonating emergency management personnel.

It is unlawful for any person to wear, carry or display an emblem, insignia or any other means of identification as a member of the emergency management organization of the city unless the authority to do so has been granted to such person by the proper officials. (Ord. 3512 § 1(4), 12-31-85; Code 1985 § 8-9; Code 1967 § 11-15)

Sec. 2-58-10 Unauthorized siren sounding.

Any unauthorized person who shall operate a siren or other device so as to simulate an emergency management warning or termination of such a warning shall be deemed guilty of a misdemeanor. (Ord. 3512 § 1(4), 12-31-85; Code 1985 § 8-10; Code 1967 § 11-16)

Sec. 2-58-11 City not liable for damages resulting from activities under chapter.

This chapter is an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and the city shall not be liable for any damage sustained to person or property while in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation pursuant to the provisions of this chapter. (Code 1985 § 8-11; Code 1967 § 11-17)

Division C.
Emergency/Emergency Management Powers State of Tennessee.

Tenn. Code Ann § 58-2-101

West's Tennessee Code Annotated
Title 58. Military Affairs, Emergencies and Civil Defense
Chapter 2. Disasters, Emergencies and Civil Defense
Part 1. General Emergency Provisions

§ 58-2-101. Definitions

As used in this chapter, unless the context otherwise requires:

- (1) "Agency" means the Tennessee emergency management agency (TEMA);
- (2) "CLEO" means the chief local elected official;
- (3) "Compacts" means the emergency management compacts included in parts 4 and 7 of this chapter;
- (4) "Disaster" means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state emergency by a county, the governor, or the president of the United States. "Disaster" is identifiable by the severity of resulting damage, as follows:
 - (A) "Catastrophic disaster" means a disaster that will require massive state and federal assistance, including immediate military involvement;
 - (B) "Major disaster" means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance; and
 - (C) "Minor disaster" means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance;
- (5) "EMA" means a local emergency management agency of a political subdivision;
- (6) "Emergency" means an occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, that results or may result in substantial injury or harm to the population, or substantial damage to or loss of property; provided, that natural threats may include disease outbreaks and epidemics;
- (7) "Emergency management" means the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters. Specific emergency management responsibilities include, but are not limited to:
 - (A) Reduction of vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies or hostile military or paramilitary action;
 - (B) Preparation for prompt and efficient response and recovery to protect lives and property affected by emergencies;
 - (C) Response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency;
 - (D) Recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies;
 - (E) Provision of an emergency management system embodying all aspects of pre-emergency preparedness and post emergency response, recovery, and mitigation; and
 - (F) Assistance in anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use;

(8) "Emergency management preparedness and assistance trust fund" means a trust fund to be administered solely by TEMA. All funds collected by the state and placed in this trust fund shall be designated for emergency management purposes only;

(9) "Emergency services coordinator" or "ESC" means the person or persons selected by the head of each executive branch agency or commissioner designated by the governor and includes alternates. The ESC and an alternate will be responsible for coordinating with the agency on emergency preparedness issues, preparing and maintaining emergency preparedness and post disaster response and recovery plans for their agency, maintaining rosters of personnel to assist in disaster operations, and coordinating appropriate training for agency personnel;

(10) "Energy Emergency" means a condition of danger to the health, safety, welfare, or economic well being of the citizens of the state of Tennessee arising out of a present or threatened shortage of usable energy resources; also any condition of substantial danger to the health, safety, or welfare of the citizens of the state of Tennessee resulting from the operation of any electrical power generating facility, the transport of any energy resource by any means whatsoever, or the production, use or disposal of any source material, special nuclear material, or by-product material as defined by the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. §§ 2011-2394; also any nuclear incident, as defined by the Atomic Energy Act of 1954, occurring in or outside the state of Tennessee, substantially affecting the health, safety, or welfare of the citizens of this state;

(11) "Energy resources" includes all forms of energy or power, including without limitation, oil, gasoline, and other petroleum products; natural or synthetic gas; electricity in all forms and from all sources; and other fuels of any description;

(12) "Entity" includes a firm, business, for profit and not-for-profit corporation, profit and not-for-profit unincorporated association, partnership, and two (2) or more persons having a joint or common economic interest;

(13) "GAR" means the governor's authorized representative;

(14) "Local emergency management agency" means an organization created in accordance with the provisions of this chapter to discharge the emergency management responsibilities and functions of a political subdivision;

(15) "Manmade emergency" means an emergency caused by an action against persons or society, including, but not limited to, enemy attack, sabotage, terrorism, civil unrest, or other action impairing the orderly administration of government;

(16) "Mobile Reserve Unit" means an organization for emergency management created in accordance with the provisions of this chapter by state or local authority to be dispatched by the governor to supplement local organizations for emergency management in a stricken area;

(17) "Natural emergency" means any emergency caused by a natural event, including, but not limited to, a storm, a flood, a drought, or an earthquake;

(18) "Person" includes a natural person or entity organized under the laws of this state or any other state or territory of the United States or the federal government, as the case may be, and includes both the singular and plural;

(19) "Political subdivision" means any municipality or county, including any county having metropolitan form of government, created pursuant to law;

(20) "SCO" means state coordinating officer;

(21) "Technological emergency" means an emergency caused by a technological failure or accident, including, but not limited to, an explosion, transportation accident, radiological accident, or chemical or other hazardous material incident; and

(22) "TEMP" means Tennessee emergency management plan.

2000 Pub.Acts, c. 946, § 1, eff. July 1, 2000. Amended by 2006 Pub.Acts, c. 588, § 1, eff. May 4, 2006.

Tenn. Code Ann § 58-2-102

§ 58-2-102. Legislative intent

* * *

Tenn. Code Ann § T. C. A. § 58-2-103

West's Tennessee Code Annotated

Title 58. Military Affairs, Emergencies and Civil Defense

Chapter 2. Disasters, Emergencies and Civil Defense

Part 1. General Emergency Provisions

§ 58-2-103. Policy and purpose

(a) Because of the existing and continuing possibility of the occurrence of emergencies and disasters resulting from natural, technological, or manmade causes, including acts of terrorism and the recovery therefrom; in order to ensure that preparations of this state will be adequate to deal with, reduce vulnerability to, and recover from such emergencies and disasters; to provide for the common defense and to protect the public peace, health, and safety; and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary to:

(1) Create a state emergency management agency to be known as the "Tennessee emergency management agency" (TEMA), to authorize the creation of local organizations for emergency management in the political subdivisions of the state, and to authorize cooperation with the federal government and the governments of other states;

(2) Confer upon the governor, TEMA, and the governing body of each political subdivision of the state the emergency powers provided herein;

(3) Provide for the rendering of mutual aid among the political subdivisions of the state, with other states, and with the federal government with respect to carrying out all emergency management functions and responsibilities;

(4) Authorize the establishment of such organizations and the development and employment of such measures as are necessary and appropriate to carry out the provisions of this chapter; and

(5) Provide the means to assist in the prevention or mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use, not to exclude flood plain management.

(b) It is further declared to be the purpose of this chapter and the policy of the state that all emergency management functions of the state be coordinated to the maximum extent with comparable functions of the federal government, including its various departments, agencies of other states and localities, and private agencies of every type, to the end that the most effective preparation and use may be made of the manpower, resources, and facilities of the nation for dealing with any emergency that may occur.

2000 Pub.Acts, c. 946, § 1, eff. July 1, 2000.

Tenn. Code Ann § 58-2-104

Title 58. Military Affairs, Emergencies and Civil Defense

Chapter 2. Disasters, Emergencies and Civil Defense

Part 1. General Emergency Provisions

§ 58-2-104. Creation of agency; director and deputies

(a) The governor is hereby authorized and directed to create a state agency to be known as the "Tennessee emergency management agency" (**TEMA**) **under the adjutant general** for day-to-day administrative purposes and, upon the recommendation of the adjutant general, to appoint a director of the TEMA, who shall be the administrator thereof. The director shall hold office at the pleasure of the governor, and shall receive such salary as is fixed by the adjutant general and approved by the governor. The agency shall authorize the creation of local organizations for emergency management in the political subdivisions of the state, and authorize cooperation with the federal government and the governments of other states.

(b) The governor is hereby authorized to appoint such deputy directors of the agency as the governor may in the exercise of the governor's sound discretion deem necessary, and such directors, in the discretion of the governor and upon the recommendation of the adjutant general, may be state employees who shall serve in such capacity without additional compensation.

(c) The director, subject to the direction and control of the governor, acting through the adjutant general, shall be the executive head of the agency and shall be responsible to the governor for carrying out the program for TEMA for the state of Tennessee. The director shall coordinate the activities of all organizations for the agency within the state and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government. For normal day-to-day administrative functions, the director shall report to the adjutant general. During emergency conditions, the agency and director shall report to the governor or the governor's designee. General coordination with the adjutant general shall be maintained. The department of the military shall become a resource for the state as with all other departments and agencies; further, the director shall make recommendations to the governor for the use of the national guard and other state resources as disaster conditions mandate, including, but not limited to, the assistance of local and private agencies. The director shall coordinate with the governor's office on the activation or the potential activation of any mutual aid agreement or compact.

(d) The adjutant general, upon the recommendation of the director, may employ such area directors, professional, technical, clerical, stenographic, and other personnel, and the adjutant general shall fix their compensation and may make expenditures from available funds appropriated for the military department or from funds made available to the adjutant general for purposes of emergency management, as may be necessary to carry out the purposes of this chapter. The director shall be provided with necessary, and appropriate office space, furniture, supplies, stationery, printing and equipment, including but not limited to, radio, radiological and any and all other proper equipment necessary to carry out the emergency management program for the state. The necessary mileage, office expenses, salaries of personnel, postage, telephone and expressage shall be chargeable to any funds available for emergency management.

2000 Pub.Acts, c. 946, § 1, eff. July 1, 2000.

Tenn. Code Ann § 58-2-105

West's Tennessee Code Annotated

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§ 58-2-105. Limitations

Nothing in this chapter shall be construed to:

- (1) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
- (2) Interfere with dissemination of news or comment on public affairs; but any communications facility or organization, including, but not limited to, radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with an emergency;
- (3) Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States, or any personnel thereof, when on active duty; state, local, and interjurisdictional emergency plans shall place reliance upon the forces available for performance of functions related to emergencies; and
- (4) Limit, modify, or abridge the authority of the governor to proclaim martial law or exercise any other powers vested in the governor under the constitution, statutes, or common law of this state independent of, or in conjunction with, any provisions of this chapter.

2000 Pub.Acts, c. 946, § 1, eff. July 1, 2000.

Tenn. Code Ann § 58-2-106

West's Tennessee Code Annotated

Title 58. Military Affairs, Emergencies and Civil Defense

Chapter 2. Disasters, Emergencies and Civil Defense

Part 1. General Emergency Provisions

§ 58-2-106. Emergency management powers

(a) The agency is responsible for maintaining a comprehensive statewide program of emergency management. The agency is responsible for coordination with efforts of the federal government with other departments and agencies of state government, county governments, municipal governments and school boards, and private agencies that have a role in emergency management. The director of the agency shall be the state coordinating officer (SCO) and the governor's authorized representative (GAR).

(b) The agency is responsible for carrying out the provisions of this chapter. In performing its duties under this chapter, the agency shall:

(1) Prepare a TEMP and maintain an accountable ESC program, which shall be integrated into and coordinated with the emergency management plans and programs of the federal government. The plan shall be implemented by a continuous, integrated comprehensive emergency management program. The plan must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters, and the agency shall work closely with local governments and agencies and organizations with emergency management responsibilities in preparing and maintaining the plan. The TEMP shall be planning, response, recovery and mitigation oriented and shall include the following:

(A) An evacuation component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of evacuation activities;

(B) A shelter component that includes specific regional and interregional planning provisions and promotes coordination of shelter activities between the public, private, and nonprofit sectors;

(C) A postdisaster response and recovery component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of postdisaster response and recovery activities. This component must provide for postdisaster response and recovery strategies according to whether a disaster is minor, major, or catastrophic. The postdisaster response and recovery component must, at a minimum:

- (i) establish the structure of the state's postdisaster response and recovery organization;
- (ii) establish procedures for activating the state's plan;
- (iii) set forth policies used to guide postdisaster response and recovery activities;
- (iv) describe the chain of command during the postdisaster response and recovery period;
- (v) describe initial and continuous postdisaster response and recovery actions;
- (vi) identify the roles and responsibilities of each involved agency and organization;
- (vii) Provide for a comprehensive communications plan, including, but not limited to, a computerized telephone emergency warning system;
- (viii) establish procedures for monitoring mutual aid agreements;
- (ix) provide for assessment teams;

- (x) ensure the availability of an effective statewide urban search and rescue program coordinated with the fire services;
 - (xi) ensure the existence of a comprehensive statewide medical care plan; and
 - (xii) establish systems for coordinating volunteers and accepting and distributing donated funds and goods;
- (D) Additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the agency;
- (E) Address the need for coordinated and expeditious deployment of state resources, including the Tennessee national guard and requesting of federal assets;
- (F) Establish a system of communications and warning to ensure that the state's population and emergency management agencies are warned of developing emergency situations and can communicate emergency response decisions;
- (G) Establish guidelines and schedules for exercises that evaluate the ability of the state and its political subdivisions to respond to minor, major, and catastrophic disasters and support local emergency management agencies. Such exercises shall be coordinated with local governments and, to the extent possible, the federal government; and
- (H) Assign lead and support responsibilities to state agencies and personnel for emergency support functions and other support activities;
- (2) Adopt standards and requirements for county emergency management plans. The standards and requirements must ensure that county plans are coordinated and consistent with the TEMP. If a municipality elects to establish an emergency management program, it must adopt a city emergency management plan that complies with all standards and requirements applicable to county emergency management plans;
- (3) Assist political subdivisions in preparing and maintaining emergency management plans;
- (4) Periodically review political subdivision emergency management plans for consistency with the TEMP and standards and requirements adopted under this section;
- (5) Cooperate with the president of the United States, the heads of the armed forces, the various federal emergency management agencies, and the officers and agencies of other states in matters pertaining to emergency management in the state and the nation and incidents thereof and, in connection therewith, take any measures that it deems proper to carry into effect any request of the president and the appropriate federal officers and agencies for any emergency management action, including the direction or control of:
- (A) Emergency management drills, tests, or exercises of whatever nature; and
 - (B) Warnings and signals for tests and drills, attacks, or other imminent emergencies or threats thereof and the mechanical devices to be used in connection with such warnings and signals;
- (6) Make recommendations to the general assembly for preparedness, prevention, and mitigation measures designed to eliminate emergencies or reduce their impact;
- (7) In accordance with the TEMP and program for emergency management, ascertain the requirements of the state and its political subdivisions for equipment and supplies of all kinds in the event of an emergency; plan for and either procure supplies, medicines, materials, and equipment or enter into memoranda of agreement or open purchase orders that will ensure their availability; and use and employ from time to time any of the property, services, and resources within the state in accordance with this chapter;

- (8) Anticipate trends and promote innovations that will enhance the emergency management system;
- (9) Institute statewide public awareness programs. This includes an intensive public educational campaign on emergency preparedness issues;
- (10) Prepare and distribute to appropriate state and local officials catalogs of federal, state, and private assistance programs;
- (11) Coordinate federal, state, and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters;
- (12) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This includes a continuous training program for agencies and individuals that will be called on to perform key roles in state and local postdisaster response and recovery efforts and for local government personnel on federal and state postdisaster response and recovery strategies and procedures;
- (13) Periodically review emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the TEMP and program;
- (14) Make such surveys of industries, resources, and facilities within the state, both public and private, as are necessary to carry out the purposes of this chapter;
- (15) Prepare, in advance whenever possible, such executive orders, proclamations, and rules for issuance by the governor as are necessary or appropriate for coping with emergencies and disasters;
- (16) Cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for mitigation, preparation, response, and recovery;
- (17) Delegate, as necessary and appropriate, authority vested in it under this chapter and provide for the subdelegation of such authority;
- (18) Create, implement, administer, promulgate, amend, and rescind rules, programs, and plans needed to carry out the provisions of this chapter with due consideration for, and in cooperation with, the plans and programs of the federal government; and
- (19) Do other things necessary, incidental, or appropriate for the implementation of this chapter.

2000 Pub.Acts, c. 946, § 1, eff. July 1, 2000. Amended by 2002 Pub.Acts, c. 849, § 7(b), eff. July 4, 2002.

Tenn. Code Ann § 58-2-107

West's Tennessee Code Annotated

Title 58. Military Affairs, Emergencies and Civil Defense

Chapter 2. Disasters, Emergencies and Civil Defense

Part 1. General Emergency Provisions

§ 58-2-107. Emergency management powers of the governor

(a)(1) The governor is responsible for addressing the dangers presented to this state and its people by emergencies. In the event of an emergency beyond local control, the governor, or, in the governor's absence, the governor's successor as provided by law, may assume direct operational control over all or any part of the emergency management functions within this state, and such person has the power through proper process of law to carry out the provisions of this chapter. The governor is authorized to delegate such powers as the governor may deem prudent.

(2) Pursuant to the authority vested in the governor under subdivision (a)(1), the governor may issue executive orders, proclamations, and rules and may amend or rescind them. Such executive orders, proclamations, and rules have the force and effect of law.

(b) The governor or the governor's designee, shall declare a state of emergency or a disaster declaration in one (1) of two (2) ways:

(1) By executive order or proclamation; or

(2) By the activation of the TEMP.

These two (2) types of threats may be declared by the governor if the governor finds an emergency has occurred or the occurrence of threat thereof is imminent. The state of emergency shall continue until the governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and the governor terminates the state of emergency by executive order or proclamation, but no state of emergency may continue for longer than sixty (60) days unless renewed by the governor. All executive orders or proclamations issued under this section shall indicate the nature of the emergency, the area or areas threatened, and the conditions which have brought the emergency about or which make possible its termination. An executive order or proclamation shall be promptly disseminated by means calculated to bring its contents to the attention of the general public; and, unless the circumstances attendant upon the emergency prevent or impede such filing, the order or proclamation shall be filed promptly with the department of state and in the office of the chief executive officer in each county to which the order or proclamation applies.

(c) An executive order or proclamation of a state of emergency shall:

(1) Activate the emergency mitigation, response, and recovery aspects of the state, local, and interjurisdictional emergency management plans applicable to the political subdivision or area in question;

(2) Be authority for the deployment and use of any forces to which the plan or plans apply and for the use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this chapter or any other provision of

law relating to emergencies; and

(3) Identify whether the state of emergency is due to a minor, major, or catastrophic disaster.

(d) During the continuance of a state emergency, the governor is commander in chief of the Tennessee national guard and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or rules, but nothing in this section restricts the governor's authority to do so by orders issued at the time of the emergency.

(e) In addition to any other powers conferred upon the governor by law, the governor may:

(1) Suspend the provisions of any law, order, rule or regulation prescribing the procedures for conduct of state business or the orders or rules or regulations of any state agency, if strict compliance with the provisions of any such law, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(2) Utilize all available resources of the state government and of each political subdivision of the state, as reasonably necessary to cope with the emergency;

(3) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(4) Subject to any applicable requirements for compensation, commandeer or utilize any private property if the governor finds this necessary to cope with the emergency;

(5) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if the governor deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery;

(6) Prescribe routes, modes of transportation, and destinations in connection with evacuation;

(7) Control ingress and egress to and from an emergency area, the movement of persons within the area, and the occupancy of premises therein;

(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles;

(9) Make provision for the availability and use of temporary emergency housing;

(10) Take effective measures for limiting or suspending lighting devices and appliances, gas and water mains, electric power distribution, and all other utility services in the general public interest;

(11) Take measures concerning the conduct of civilians, the movement and cessation of movement of pedestrian and vehicular traffic prior to, during, and subsequent to drills and actual or threatened emergencies, the calling of public meetings and gatherings, and the evacuation and reception of civilian population, as provided in the TEMP and political subdivisions thereof; and

(12) Authorize the use of forces already mobilized as the result of an executive order, rule, or proclamation to assist the private citizens of the state in clean up and recovery operations during emergencies when proper permission to enter onto or into private property has been obtained from the property owner.

(f) The governor shall take such action and give such direction to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this chapter and with the orders and rules made pursuant thereto.

(g) The governor shall employ such measures and give such directions to the department of health and department of human services, division of vocational rehabilitation, as may be reasonable and necessary for the purpose of securing compliance with the provisions of this chapter or with the findings or recommendations of such agency by reason of conditions arising from emergencies or threats of emergency.

(h) The governor shall delegate emergency responsibilities to the officers and agencies of the state and of the political subdivisions thereof prior to an emergency or threat of an emergency, and shall utilize the services and facilities of existing officers and agencies of the state and of the political subdivisions thereof, including their personnel and other resources, as the primary emergency management forces of the state, and all such officers and agencies shall cooperate with and extend their services and facilities to the agency, as it may require.

(i) The governor and the agency shall establish agencies and offices and appoint executive, professional, technical, clerical and other personnel as may be necessary to carry out the provisions of this chapter.

(j) The governor shall formulate and execute plans and rules for the control of traffic in order to provide for the rapid and safe movement or evacuation over public highways and streets of people, troops, or vehicles and materials for national defense or for use in any defense industry, and may coordinate the activities of the departments or agencies of the state and the political subdivisions thereof concerned directly or indirectly with public highways and streets in a manner which will effectuate such plans.

(k) The governor may delegate to the director of TEMA the authority to declare a state of emergency in order that certain commercial vehicles engaged in the distribution of electric power, the supply of fuel, or telecommunications services to residences and businesses may be considered to be participating in an emergency relief effort for the purpose of the federal hours-of-service regulations promulgated by the federal motor carrier safety administration. Pursuant to the delegation of authority granted by this subsection (k), the director of TEMA may declare a state of emergency prospectively in anticipation of an emergency.

(l)(1) If the governor of Tennessee declares an emergency in response to a catastrophic or major disaster, voluntary health care providers, including hospitals and community mental health care centers, participating in the emergency management assistance compact or southern regional emergency management assistance compact are immune from liability in providing the health care to victims or evacuees of the catastrophic or major disaster, as long as the services are provided within the limits of the provider's license, certification or authorization, unless an act or omission was the result of gross negligence or willful misconduct.

(2) If additional medical resources are required, the governor, by executive order, may provide limited liability protection to health care providers, including hospitals and community mental health care centers and those licensed, certified or authorized under titles 33, 63 or 68, and who render services within the limits of their license, certification or authorization to victims or evacuees of such emergencies; provided, however, that this protection may not include any act or omission caused by gross negligence or willful misconduct.

(3) The duration of the protection provided by this subsection (l) shall not exceed thirty (30) days, but may be extended by the governor by executive order for an additional thirty (30) days, if required to ensure the provision of emergency medical services in response to the catastrophic or major disaster.

2000 Pub.Acts, c. 946, § 1, eff. July 1, 2000. Amended by 2004 Pub.Acts, c. 487, § 1, eff. April 8, 2004; 2006 Pub.Acts, c. 560, § 1, eff. April 24, 2006.

Tenn. Code Ann § 58-2-108

West's Tennessee Code Annotated

Title 58. Military Affairs, Emergencies and Civil Defense

Chapter 2. Disasters, Emergencies and Civil Defense

Part 1. General Emergency Provisions

§ 58-2-108. Designation of emergency services coordinators

(a) At the direction of the governor, the head of each executive department and independent agency shall select from within such department or agency a person to be designated as the emergency services coordinator (ESC) for the department or agency together with an alternate ESC.

(b) The ESC is responsible for coordinating with TEMA and reporting to that agency on emergency preparedness issues, preparing and maintaining emergency preparedness and postdisaster response and recovery plans for their agency, maintaining rosters of personnel to assist in disaster operations, and coordinating appropriate training for agency personnel.

(c) These individuals shall be responsible for ensuring that each state facility, such as a prison, office building, or university, has a disaster preparedness plan that is reviewed by the applicable local emergency management agency and approved by TEMA.

(d) The head of each department or agency shall notify TEMA, in writing, of the person initially designated as the ESC for such agency and the ESC's alternate, and of any changes in persons so designated thereafter.

(e) Upon the designation of the ESC, the department or agency shall provide the necessary equipment to the ESC as prescribed by TEMA for the performance of the duties of the ESC.

(f) TEMA shall, in consultation with the department of personnel, develop a mechanism to provide for a salary supplement for the appointed ESC, subject to available funding.

(g) TEMA shall notify the governor of compliance with this section.

2000 Pub.Acts, c. 946, § 1, eff. July 1, 2000.

Tenn. Code Ann § 58-2-109

West's Tennessee Code Annotated

Title 58. Military Affairs, Emergencies and Civil Defense

Chapter 2. Disasters, Emergencies and Civil Defense

Part 1. General Emergency Provisions

§ 58-2-109. Financing [Gifts]

(a) It is the intent of the general assembly and declared to be the policy of this state that funds to prepare for and meet emergencies shall always be available.

(b) It is the intent of the general assembly that the first recourse shall be to annually fund a state emergency management agency. If the governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, the governor may, as otherwise provided by law, make funds available by transferring and expending moneys appropriated for other purposes or out of any unappropriated surplus funds.

(c) Nothing contained in this section shall be construed to limit the authority of the governor to apply for, administer, and expend any grants, gifts, or payments in aid of emergency prevention, mitigation, preparedness, response, or recovery.

(d) Whenever any person, firm, or corporation offers to the state or to any political subdivision thereof services, equipment, supplies, materials, or funds by way of gift, grant, loan or other agreement for the purpose of emergency management, the state, acting through the agency, or such political subdivision, acting through its governing body or a local emergency management agency, may accept such offer. Upon such acceptance, the agency or the presiding officer of the governing body of the political subdivision may authorize receipt of the gift, grant, or loan on behalf of the state or such political subdivision, subject to the terms of the offer.

2000 Pub.Acts, c. 946, § 1, eff. July 1, 2000.

Division D. Federal References and Authorities

Robert T. Stafford Disaster Relief and Emergency Assistance Act (Disaster Relief Act of 1974) (Pub.L. 93-288, May 22, 1974, 88 Stat. 143, as amended)

Section of Pub.L. 93-288	USCA Classification
101	42 USCA § 5121
102	42 USCA § 5122
201	42 USCA § 5131
202	42 USCA § 5132
203	42 USCA § 5133
204	42 USCA § 5134
301	42 USCA § 5141
302	42 USCA § 5143
303	42 USCA § 5144
304	42 USCA § 5147
305	42 USCA § 5148
306	42 USCA § 5149
307	42 USCA § 5150
308	42 USCA § 5151
309	42 USCA § 5152
310	42 USCA § 5153
311	42 USCA § 5154
312	42 USCA § 5155
313	42 USCA § 5156
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315	42 USCA § 5158
316	42 USCA § 5159
317	42 USCA § 5160
318	42 USCA § 5161
319	42 USCA § 5162
320	42 USCA § 5163
321	42 USCA § 5164
322	42 USCA § 5165
323	42 USCA § 5165a
324	42 USCA § 5165b
325	42 USCA § 5165c
326	42 USCA § 5165d
401	42 USCA § 5170
402	42 USCA § 5170a
403	42 USCA § 5170b
404	42 USCA § 5170c
405	42 USCA § 5171
406	42 USCA § 5172
407	42 USCA § 5173

408	42 USCA § 5174
409	42 USCA § 5176
410	42 USCA § 5177
412	42 USCA § 5179
413	42 USCA § 5180
414	42 USCA § 5181
415	42 USCA § 5182
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417(a), (b)	42 USCA § 5184
418	42 USCA § 5185
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421	42 USCA § 5188
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611	42 USCA § 5196
612	42 USCA § 5196a
613	42 USCA § 5196b
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615	42 USCA § 5196d
616	42 USCA § 5196f
621	42 USCA § 5197
622	42 USCA § 5197a
623	42 USCA § 5197b
624	42 USCA § 5197c
625	42 USCA § 5197d
626	42 USCA § 5197e
627	42 USCA § 5197f
628	42 USCA § 5197g
629	42 USCA § 5197h
701	42 USCA § 5201
705	42 USCA § 5205
706	42 USCA § 5207

CFR References to Robert T. Stafford Disaster Relief and Emergency Assistance Act (Disaster Relief Act of 1974)

C.F.R. Emergency Management and Assistance

5 CFR 1315.1 Application.;
7 CFR 2.32 Director, Homeland Security Staff.;
7 CFR 2.32 Director, Office of Homeland Security.;
7 CFR 250.3 Definitions.;
7 CFR 761.2 Abbreviations and definitions.;
7 CFR 1403.21 Collection of 1988 and 1989 advance deficiency overpayments.;
7 CFR 1439.102 Definitions.;
13 CFR 300.3 Definitions.;
24 CFR 970.13 Environmental review requirements.;
24 CFR 3286.2 Applicability.;
29 CFR 4003.4 Extension of time.;
29 CFR 4011.8 Time of notice.;
29 CFR 4041.4 Disaster relief.;
31 CFR 208.11 Accounts for disaster victims.;
32 CFR 185.3 Definitions.;
32 CFR 623.1 General.;
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32 CFR 736.1 General.;
32 CFR 736.2 Dispositions under contracts.;
32 CFR 736.3 Sale of personal property.;
32 CFR 736.4 Disposition of real property.;
32 CFR 736.5 Disposition of real and personal property under special statutory authority.;
32 CFR 736.6 Certification prior to disposition.;
32 CFR 736.7 Approval by the Attorney General.;
33 CFR 203.15 Definitions.;
38 CFR 17.86 Provision of hospital care and medical services during certain disasters and emergencies...;
40 CFR 258.1 Purpose, scope, and applicability.;
41 CFR 102 36.370 Are there special requirements concerning the use of excess personal property for...;
42 CFR 38.2 Definitions.;
42 CFR 424.521 Request for payment by physicians, nonphysician practitioners, physician orospital.....;
44 CFR 2.43 Response and Recovery Directorate.;
CFR T. 44, Ch. I, Subch. B, Pt. 80, Refs & Annos;
44 CFR 80.1 Purpose and scope.;
44 CFR 80.3 Definitions.;
44 CFR 80.5 Roles and responsibilities.;
44 CFR 80.7 General.;
44 CFR 80.9 Eligible and ineligible costs.;
44 CFR 80.11 Project eligibility.;
44 CFR 80.13 Application information.;
44 CFR 80.15 General.;
44 CFR 80.17 Project implementation.;
44 CFR 80.19 Land use and oversight.;
44 CFR 80.21 Closeout requirements.;
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44 CFR 201.1 Purpose.;
 44 CFR 201.2 Definitions.;
 44 CFR 201.3 Responsibilities.;
 44 CFR 201.4 Standard State Mitigation Plans.;
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 44 CFR 201.6 Local Mitigation Plans.;
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 44 CFR 204.1 Purpose.;
 44 CFR 204.2 Scope.;
 44 CFR 204.3 Definitions used throughout this part.;
 44 CFR 204.4 to 204.20 [Reserved];
 44 CFR 204.21 Fire management assistance declaration criteria.;
 44 CFR 204.22 Submitting a request for a fire management assistance declaration.;
 44 CFR 204.23 Processing a request for a fire management assistance declaration.;
 44 CFR 204.24 Determination on request for a fire management assistance declaration.;
 44 CFR 204.25 FEMA State agreement for fire management assistance grant program.;
 44 CFR 204.26 Appeal of fire management assistance declaration denial.;
 44 CFR 204.27 to 204.40 [Reserved];
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 44 CFR 204.52 Application and approval procedures for a subgrant under a fire management assistance...;
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 44 CFR 204.55 to 204.60 [Reserved];
 44 CFR 204.61 Cost share.;
 44 CFR 204.62 Duplication and recovery of assistance.;
 44 CFR 204.63 Allowable costs.;
 44 CFR 204.64 Reporting and audit requirements.;
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 44 CFR 206.1 Purpose.;
 44 CFR 206.2 Definitions.;
 44 CFR 206.3 Policy.;
 44 CFR 206.5 Assistance by other Federal agencies.;
 44 CFR 206.6 Donation or loan of Federal equipment and supplies.;
 44 CFR 206.7 Implementation of assistance from other Federal agencies.;
 44 CFR 206.8 Reimbursement of other Federal agencies.;
 44 CFR 206.9 Nonliability.;
 44 CFR 206.10 Use of local firms and individuals.;
 44 CFR 206.11 Nondiscrimination in disaster assistance.;
 44 CFR 206.12 Use and coordination of relief organizations.;
 44 CFR 206.13 Standards and reviews.;
 44 CFR 206.14 Criminal and civil penalties.;
 44 CFR 206.15 Recovery of assistance.;
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44 CFR 206.18 to 206.30 [Reserved];
44 CFR 206.31 Purpose.;
44 CFR 206.32 Definitions.;
44 CFR 206.33 Preliminary damage assessment.;
44 CFR 206.34 Request for utilization of Department of Defense (DOD) resources.;
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44 CFR 206.37 Processing requests for declarations of a major disaster or emergency.;
44 CFR 206.38 Presidential determination.;
44 CFR 206.39 Notification.;
44 CFR 206.40 Designation of affected areas and eligible assistance.;
44 CFR 206.41 Appointment of disaster officials.;
44 CFR 206.42 Responsibilities of coordinating officers.;
44 CFR 206.43 Emergency support teams.;
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44 CFR 206.45 Loans of non-Federal share.;
44 CFR 206.46 Appeals.;
44 CFR 206.47 Cost-share adjustments.;
44 CFR 206.48 Factors considered when evaluating a Governor's request for a major disaster declaration.;
44 CFR 206.49 to 206.60 [Reserved];
44 CFR 206.61 Purpose.;
44 CFR 206.62 Available assistance.;
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44 CFR 206.63 Provision of assistance.;
44 CFR 206.64 Coordination of assistance.;
44 CFR 206.65 Cost sharing.;
44 CFR 206.66 Limitation on expenditures.;
44 CFR 206.67 Requirement when limitation is exceeded.;
44 CFR 206.68 to 206.100 [Reserved];
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44 CFR 206.102 to 206.109 [Reserved];
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44 CFR 206.111 Definitions.;
44 CFR 206.112 Registration period.;
44 CFR 206.113 Eligibility factors.;
44 CFR 206.114 Criteria for continued assistance.;
44 CFR 206.115 Appeals.;
44 CFR 206.116 Recovery of funds.;
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44 CFR 206.119 Financial assistance to address other needs.;
44 CFR 206.120 State administration of other needs assistance.;
44 CFR 206.121 to 206.130 [Reserved];
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44 CFR 206.132 to 206.140 [Reserved];
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44 CFR 206.142 to 206.150 [Reserved];
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44 CFR 206.171 Crisis counseling assistance and training.;
44 CFR 206.172 to 206.180 [Reserved];
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44 CFR 206.182 to 206.190 [Reserved];
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44 CFR 206.192 to 206.199 [Reserved];
44 CFR 206.200 General.;
44 CFR 206.201 Definitions used in this subpart.;
44 CFR 206.202 Application procedures.;
44 CFR 206.203 Federal grant assistance.;
44 CFR 206.204 Project performance.;
44 CFR 206.205 Payment of claims.;
44 CFR 206.206 Appeals.;
44 CFR 206.207 Administrative and audit requirements.;
44 CFR 206.208 Direct Federal assistance.;
44 CFR 206.209 to 206.219 [Reserved];
44 CFR 206.220 General.;
44 CFR 206.221 Definitions.;
44 CFR 206.222 Applicant eligibility.;
44 CFR 206.223 General work eligibility.;
44 CFR 206.224 Debris removal.;
44 CFR 206.225 Emergency work.;
44 CFR 206.226 Restoration of damaged facilities.;
44 CFR 206.227 Snow assistance.;
44 CFR 206.228 Allowable costs.;
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44 CFR 206.250 General.;
44 CFR 206.251 Definitions.;
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44 CFR 206.253 Insurance requirements for facilities damaged by disasters other than flood.;
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44 CFR 206.341 Policy.;
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44 CFR 206.343 Scope.;
44 CFR 206.344 Limitations on Federal expenditures.;
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44 CFR 206.347 Requirements.;
44 CFR 206.348 Consultation.;
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44 CFR 206.350 to 206.359 [Reserved];
44 CFR 206.360 Purpose.;
44 CFR 206.361 Loan program.;
44 CFR 206.362 Responsibilities.;

44 CFR 206.363 Eligibility criteria.;
 44 CFR 206.364 Loan application.;
 44 CFR 206.365 Loan administration.;
 44 CFR 206.366 Loan cancellation.
 44 CFR 206.367 Loan repayment.;
 44 CFR 206.368, 206.369 [Reserved];
 44 CFR 206.370 Purpose and scope.;
 44 CFR 206.371 Loan program.;
 44 CFR 206.372 Responsibilities.;
 44 CFR 206.373 Eligibility criteria.;
 44 CFR 206.374 Loan application.;
 44 CFR 206.375 Loan administration.;
 44 CFR 206.376 [Reserved];
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 44 CFR 207.3 Applicability and eligibility.;
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 44 CFR 207.5 Determination of management cost funding.;
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 44 CFR 207.7 Procedures for requesting management cost funding.;
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44 CFR 208.3 Authority for the National US&R Response System.;
44 CFR 208.4 Purpose for System.;
44 CFR 208.5 Authority of the Director of the Response Division (Director).;
44 CFR 208.5 Authority of the Assistant Administrator for the Disaster Operations Directorate.;
44 CFR 208.6 System resource reports.;
44 CFR 208.7 Enforcement.;
44 CFR 208.8 Code of conduct.;
44 CFR 208.9 Agreements between Sponsoring Agencies and Participating Agencies.;
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44 CFR 208.23 Allowable costs under Preparedness Cooperative Agreements.;
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The Homeland Security Act of 2002.

**6 U.S.C.A. § 111(a); 6 U.S.C.A. § 111(b);
6 U.S.C.A. § 291; 6 U.S.C.A. § 313; 6 U.S.C.A. § 381; 6 U.S.C.A. § 312.**

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Construction and Application of Robert T. Stafford Disaster Relief and
Emergency Assistance Act (Stafford Act), 42 U.S.C.A. §§ 5121 et seq.

➤ **Tab II. Records Preservation.**

Divisions, Departments and other offices and agencies of Shelby County Government shall regularly identify and make adequate preparations for the protection, preservation and recovery of essential public records. The County Records Commission shall assist and provide guidance to Divisions, Departments and other offices and agencies of Shelby County Government in identifying, protecting, preserving and recovering essential public records.

1. Court Records.
2. County Clerk Records.
3. Trustee Records.
4. Office of Assessor Records.
5. Health Department Records.
6. Commission Records.
7. _____
8. _____
9. Other Agency and Public Records.

➤ **Tab III. Temporary Relocation of Seat of County Government.**

[Further Research Required]

Every division, department, office and or agency of Shelby County Government shall plan for a location within the territorial limits of Shelby County for the continuity of operations prior to or the re-establishment and maintenance of operations in the immediate aftermath of an emergency or disaster. To the extent necessary, they shall also plan for a location outside the territorial limits of Shelby County for the continuity of operations prior to or the re-establishment and maintenance of operations in the immediate aftermath of an emergency or disaster in extraordinary circumstances and situations.

a.) Administrative Functions

1. Primary Alternate

T. C. A. § 8-13-106

West's Tennessee Code Annotated Currentness
Title 8. Public Officers and Employees
Chapter 13. Registers

§ 8-13-106. Office [of Register] location; attendance

The register shall keep the register's office in the county seat and, either personally or by deputy, shall give due attendance at the office for the purpose of performing the register's official duties.

CREDIT(S) 1805 Acts, c. 1, §§ 1, 2; 1831 Acts, c. 90, § 15; 1853-1854 Acts, c. 87, § 5.

Formerly 1858 Code, § 450; Shannon's Code, § 562; mod. 1932 Code, § 811; § 8-1306.

T. C. A. § 8-13-106, TN ST § 8-13-106

Secondary Sources:

56 Am. Jur. 2d Municipal Corporations, Etc. (II. E. County Seats) § 31 Generally

2. Secondary Alternate

3. Contingent

b.) Courts

T. C. A. § 16-1-105

West's Tennessee Code Annotated

Title 16. Courts

Chapter 1. General Provisions

Part 1. General Judicial Powers

§ 16-1-105. Sessions outside courtroom

(a) If for any cause, in the opinion of the court deemed sufficient, it is impracticable or inconvenient for any court to hold its session at the courthouse, or place designated by law, it shall be lawful for the court to hold its session, or any part of its session, at any other room within the limits of the county seat, or at any other room open to the public within an institution of the department of correction or the department of children's services if the court deems it necessary, and all its proceedings at such place, whether in civil or criminal cases, are as valid as if done at the courthouse.

(b) Nothing in this section shall be construed as preventing or prohibiting a county that has constructed a criminal justice building or facility, or that uses a building or facility, that is not located within the limits of the county seat, from holding criminal court in that building or facility; provided, that it is located within the limits of the county. If the building or facility is used to hold criminal court, a defendant may be indicted, prosecuted, tried and convicted in that building or facility as if done at the courthouse.

CREDIT(S) 1835-1836 Acts, c. 6, § 7; 1835-1836 Acts, c. 18, § 13; modified; 1985 Pub.Acts (1st Ex. Sess.), c. 12, § 1; 1989 Pub.Acts, c. 278, § 28; 1996 Pub.Acts, c. 1079, § 30, eff. May 21, 1996; 2006 Pub.Acts, c. 630, § 2, eff. May 12, 2006.

Formerly 1858 Code, § 4096; Shannon's Code, § 5908; 1932 Code, § 10108; § 16-105.

T. C. A. § 18-1-102

West's Tennessee Code Annotated Currentness

Title 18. Clerks of Courts

Chapter 1. General Provisions (Refs & Annos)

Part 1. Qualifications and Conduct of Office

§ 18-1-102. [Clerk of Court] Office; domicile and residence

The clerk of each of the courts shall reside in the county wherein the court is held, shall keep an office at the county seat of such county, and give due attendance at such office for the performance of official duties.

CREDIT(S) 1805 Acts, c. 1; 1832 Acts, c. 7, § 2.

Formerly 1858 Code, § 4038; Shannon's Code, § 5850; 1932 Code, § 10050; § 18-102.

➤ **Tab IV. Government Services.**

4. Relocation of Government Services.

- A. Primary Alternate
- B. Secondary Alternate
- C. Contingent

5. Delivery of Essential Government Services.

- A. Services to Citizens and Areas Directly Impacted by Disaster
- B. Services to Citizens and Areas Not Directly Impacted by Disaster

6. Delivery of Non-Essential Government Services.

➤ Tab V. Other Provisions to Ensure Continuity of Government

Individual Departmental and Agency COOP and COG Plans

Continuity of Government (COG) plans ensure command and control of response and recovery operations as well as continuance of basic governmental functions. **Continuity of Operations (COOP)** plans and activities serve to support the continuance of government functions.

The **COOP** and **COG** plans incorporated herein have been prepared by individual divisions, departments and agencies of Shelby County Government with the assistance of Texas A&M/TEEX to enable and ensure that essential governmental functions and public services are performed at minimum essential levels during any situation. These COOP and COG Plans, in accordance with FEMA Federal Preparedness Circular (FPC) 65, focus on achieving a high level of readiness for implementation of operational capabilities, with or without warning under an “all hazards” approach, no later than 12 hours after activation, and maintaining sustained operations for up to 30 days.

Each division, departmental and agency COOP/COG plan incorporated herein is structured to meet, and will be reviewed biannually by the respective division, department and agency in conjunction with the Office of Preparedness, to ensure that the following objectives are met:

- Objective—Reduce loss of life; minimize property damage and losses.
- Objective—Ensure continuous performance of essential functions / operations during an emergency.
- Objective—Protect essential facilities, equipment, records, and other assets.
- Objective—Reduce or mitigate disruptions to operations.
- Objective—Achieve a timely and orderly recovery from an emergency and resumption of full service to customers.

While these COOP/COG Plans focus on Shelby County Government divisions, departments and agencies, they are part of a **Comprehensive Emergency Management Program (CEMP)** of which Shelby County Government is an integral part, together with local businesses, community organizations and other public agencies which the Office of Emergency Preparedness has and will continue to collaborate with to develop their own COOP plans.